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MAR 21 2006

OFFICE OF PETITIONS

In re Application of	:	
Holden et al.	:	
Application No. 09/803,987	:	
Filed: March 13, 2001	:	
For: SYSTEM AND METHOD FOR	:	DECISION ON
PROVIDING SERVICES USING A WEB HUB	:	PETITION

This is a decision in response to the Renewed Petition Under 37 CFR 1.181, filed January 19, 2006, requesting withdrawal of the holding of abandonment.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly respond to the non-final Office action, mailed December 16, 2004. The Notice set a three (3) month period for reply. No response having been received, the application became abandoned March 17, 2005. A Notice of Abandonment was mailed July 19, 2005.

July 21, 2005 Petition to Withdraw Holding of Abandonment

Applicant filed a petition to withdraw the holding of abandonment on July 21, 2005, wherein Applicant asserted that he did not receive the Office action. In support of this assertion, Applicant provided copies of a docket record; however, the application numbers were not included in the docket

records. As such, there was no way to determine which application(s) wherein the docket records were supposed to demonstrate non-receipt of the Office action.

The petition was dismissed in a Decision mailed November 21, 2005. Applicant was informed that the showing required to establish non-receipt of an Office communication must include the following:

- (1) A statement from the practitioner stating the Office action was not received by the practitioner;
- (2) A statement attesting to the fact that a search of the file jacket and docket record indicates that the Office action was not received, and
- (3) A copy of the docket record where the non-received Office action would have been entered had it been received and docketed.

MPEP 711.03(c)

The Decision dismissing the petition required copies of the docket records with the list of all responses in the practitioner's office with the due date at and around March 16, 2005.

The instant Request for Reconsideration

Applicant files the instant Request for Reconsideration and includes copies of his docket record that have serial numbers identified where Office actions have been entered, save one.

A review of the docket record reveals that on page seven, a 3 month non final Office action was received by practitioner on January 5, 2005. The docket record further reveals that the Office action had a mail date of December 16, 2004 and a response due March 16, 2005. No corresponding application number has been included with this entry.

This entry corresponds with the communication mailed from this Office, to wit - a non-final Office action, mailed December 16, 2004, and a due date for response of March 16, 2005.

Accordingly, Applicant has failed to demonstrate that the non-final Office action, mailed December 16, 2004, with a due date for response due March 16, 2004, in the above-identified application, was not received.

The petition is dismissed.

After a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner. Therefore, it is extremely important that petitioner supply any and all **relevant** information and documentation with his request for reconsideration. The Commissioner's decision will be based solely on the administrative record in existence. A petition will not be granted if petitioner provides insufficient evidence to 'show' non-receipt of the Office action. Therefore, if a request for reconsideration is filed, it must establish non-receipt of the Office communication.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


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Office of Petitions